

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRIAN HUDDLESTON,

Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION, et al.,

Defendants.

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CIVIL ACTION No. 4:20CV447

JUDGE AMOS L. MAZZANT, III

DEFENDANTS' ORIGINAL ANSWER

Defendant, the United States Department of Justice (Defendant or DOJ), hereby answers the numbered paragraphs of the First Amended Complaint filed by Plaintiff, Brian Huddleston. (ECF No. 3), as follows:

The first unnumbered paragraph at the beginning of the First Amended Complaint consists of Plaintiff's characterization of the present action, to which no response is required.

1. This paragraph contains Plaintiff's conclusions of law regarding jurisdiction, to which no response is required.

2. This paragraph contains Plaintiff's conclusions of law regarding venue, to which no response is required.

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

4. As to the first sentence, Defendant admits that the FBI is a component of the DOJ, and is subject to the FOIA. The second sentence is a legal conclusion to which no response is required. As to the third sentence, admitted.

5. As to the first sentence, Defendant admits that the DOJ is subject to the FOIA. The second sentence is a legal conclusion to which no response is required. As to the third sentence, admitted.

6. As to the final sentence of this paragraph, Defendant admits that, as of July 7, 2020, Defendant had not issued a final determination regarding Plaintiff's April 9 FOIA request. As to all other allegations in this paragraph, Defendant admits only that the FBI received a FOIA request from Plaintiff dated April 9, 2020. The request speaks for itself, and Defendant respectfully refers the Court to it for a full and accurate statement of its contents.

7. As to the final sentence of this paragraph, Defendant admits that, as of July 7, 2020, Defendant had not issued a final determination regarding Plaintiff's June 1, 2020 FOIA request. As to all other allegations in this paragraph, admit only that the FBI received a FOIA request from Plaintiff dated June 1, 2020. The request speaks for itself, and Defendant respectfully refers the Court to it for a full and accurate statement of its contents.

8. Defendant admits that Plaintiff submitted a FOIA request dated June 5, 2020 to the Office of Information Policy ("OIP")¹ of the DOJ. Defendant admits that

¹ OIP is responsible for processing FOIA requests seeking certain records from the Special Counsel's Office.

OIP sent an acknowledgement letter to Plaintiff dated June 23, 2020. The request and acknowledgement letters speak for themselves, and Defendant respectfully refers the Court to these letters for a full and accurate statement of their contents. As to the final sentence, Defendant admits that on or about June 30, 2020, via telephone, a staff member of OIP estimated that OIP would need 8-10 months to provide a final response as to Plaintiff's FOIA request.

9. Denied.

10. Defendant incorporates its responses to paragraphs 1-9 as if fully stated herein.

11. This paragraph consists of legal conclusions, to which no response is required.

12. This paragraph constitutes a prayer for relief, to which no response is required. To the extent necessary, Defendant denies that Plaintiff is entitled to the relief requested or to any relief whatsoever.

AFFIRMATIVE DEFENSES

1. Plaintiff is not entitled to compel the production of records or information exempt from disclosure under FOIA. *See* 5 U.S.C. § 552(b).

2. Plaintiff is not entitled to remedies beyond what is provided for in the FOIA. *See* 5. U.S.C. § 552.

Respectfully submitted,

STEPHEN J. COX
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2020, a true and correct copy of the foregoing
Defendant's Original Answer has been sent to counsel of record via the court's
electronic filing system.

/s/ Andrea L. Parker
ANDREA L. PARKER
Assistant United States Attorney